

REMARKS

Claims 1-21 are all the claims pending in the application. Claims 1, 3, and 5 have been amended to incorporate the features of claims 2, 4, and 6 respectively.

I. Claim Rejections Under 35 U.S.C. § 102

Claims 1-18 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Vinciarelli et al. (U.S. Patent No. 6,847,853). Applicant respectfully traverses the rejection.

In particular, Applicant respectfully submits that Vinciarelli fails to teach or suggest at least the following limitation of claim 1:

the design rule stored in the design rule storage means is updated by reflecting the determination result.

In the Office Action, the Examiner refers to col. 27, lines 26-47 of Vinciarelli for teaching the above recited limitation of claim 1. Col. 27, lines 26-47 of Vinciarelli teaches the rules for determining a mechanical layout, which is a part of the process for achieving the completed design. However, col. 27, lines 26-47 of Vinciarelli is silent about updating the design rule **by reflecting the completed design**. Further, Applicant's own review of the reference has failed to find any disclosure of Vinciarelli that could be said to teach or suggest this limitation of the claim. Accordingly, Applicant respectfully submits that Vinciarelli fails to teach or suggest at least the above recited limitation of claim 1.

Applicant further respectfully submits that claims 3 and 5 each recite similar limitations which Vinciarelli also fails to teach or suggest. In particular, Vinciarelli fails to teach or suggest “reading out the determination result stored in the storing the determination result and updating the design rule by reflecting said determination result”, as recited in claim 3, and “design rule updating processing for reading out the determination result stored in the determination result

storage processing and updating the design rule stored in the design rule storage processing by reflecting said determination result”, as recited in claim 5. As such, Applicant respectfully submits that Vinciarelli fails to teach or suggest each and every limitation of the claims.

Accordingly, Applicant respectfully submits that claims 1, 3 and 5 are not anticipated under 35 U.S.C. § 102(b) by Vinciarelli, because the reference does not disclose all of the features and limitations of the claims. Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection of claims 1, 3 and 5, and claims 7-18 at least by virtue of their dependency from claims 1, 3 and 5.

II. Claim Rejections Under 35 U.S.C. § 103(a)

Claims 19-21 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Vinciarelli in view of Pet (USP 2005/0108172). Applicant respectfully traverses the rejection.

Above, Applicant pointed out that Vinciarelli is deficient vis-à-vis independent claims 1, 3, and 5. Applicant respectfully submits that Pet fails to compensate for the deficiencies of Vinciarelli. Even taken for what they would have meant as a whole to an artisan of ordinary skill, the combined teachings of these two references would not have (and could not have) led the artisan of ordinary skill to the subject matter of independent claims 1, 3, and 5, much less dependent claims 19-21.

Therefore, claims 19-21 would not have been obvious within the meaning of 35 U.S.C. §103(a). Additional, untaught modifications would have been necessary.

Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection of claims 19-21.

III. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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